



General Assembly

January Session, 2001

Raised Bill No. 7028

LCO No. 5353

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT IMPLEMENTING THE LEGISLATIVE COMMISSIONERS'
RECOMMENDATIONS FOR TECHNICAL AND MINOR CHANGES TO
CERTAIN JUDICIARY-RELATED STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-24 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 The following officers may administer oaths: (1) The clerks of the
4 Senate, the clerks of the House of Representatives and the chairmen of
5 committees of the General Assembly or of either branch thereof,
6 during its session; (2) state officers as defined in subsection (t) of
7 section 9-1, judges and clerks of any court, family support magistrates,
8 justices of the peace, commissioners of the Superior Court, notaries
9 public, commissioners appointed by the Governor to take
10 acknowledgment of deeds, town clerks and assistant town clerks, in all
11 cases where an oath may be administered, except in a case where the
12 law otherwise requires; (3) commissioners on insolvent estates,
13 auditors, arbitrators and committees, to parties and witnesses, in all
14 cases tried before them; (4) assessors and boards of assessment
15 appeals, in cases coming before them; (5) commissioners appointed by

16 governors of other states to take the acknowledgment of deeds, in the
17 discharge of their official duty; (6) the moderator of a school district
18 meeting, in such meeting, to the clerk of such district, as required by
19 law; (7) the first selectman, in any matter before the board of
20 selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner
21 and assistant medical examiners of the Office of the Medical Examiner,
22 in any matter before them; (9) registrars of vital statistics, in any matter
23 before them; (10) any chief inspector or inspector appointed pursuant
24 to section 51-286; (11) registrars of voters, deputy registrars, assistant
25 registrars, and moderators, in any matter before them; (12) special
26 assistant registrars, in matters provided for in subsections (b) and (c) of
27 section 9-19b and section 9-19c; (13) the Commissioner of Public Safety
28 and any sworn member of any local police department or the Division
29 of State Police within the Department of Public Safety, in all affidavits,
30 statements, depositions, complaints or reports made to or by any
31 member of any local police department or said Division of State Police
32 or any constable who is under the supervision of said commissioner or
33 any of such officers of said Division of State Police and who is certified
34 under the provisions of sections 7-294a to 7-294e, inclusive, and
35 performs criminal law enforcement duties; (14) judge advocates of the
36 United States Army, Navy, Air Force and Marine Corps, law
37 specialists of the United States Coast Guard, adjutants, assistant
38 adjutants, acting adjutants and personnel adjutants, commanding
39 officers, executive officers and officers whose rank is lieutenant
40 commander or major, or above, of the armed forces as defined in
41 section 27-103 to persons serving with or in the armed forces as
42 defined in said section or their spouses; (15) investigators, deputy
43 investigators, investigative aides, secretaries, clerical assistants, social
44 workers, social worker trainees, paralegals and certified legal interns
45 employed by or assigned to the Public Defender Services Commission
46 in the performance of their assigned duties; (16) bail commissioners,
47 assistant bail commissioners and secretaries and clerical assistants
48 employed in the office of the Bail Commission in the performance of
49 their assigned duties; (17) juvenile matter investigators employed by

50 the [Judicial Department] Division of Criminal Justice in the
51 performance of their assigned duties; (18) the chairman of the
52 Connecticut Siting Council or his designee; (19) the presiding officer at
53 an agency hearing under section 4-177b; (20) family relations
54 counselors of the Family Division of the Superior Court, support
55 enforcement officers and investigators employed by the Department of
56 Social Services Bureau of Child Support Enforcement and the Judicial
57 Department in the performance of their assigned duties; and (21) the
58 chairman, vice-chairman and members of the Board of Parole, parole
59 officers and parole supervisors in the performance of their assigned
60 duties.

61 Sec. 2. Subsection (b) of section 34-521 of the general statutes is
62 repealed and the following is substituted in lieu thereof:

63 (b) If a statutory trust is merging or consolidating under this section,
64 the statutory trust or other business entity surviving or resulting in or
65 from the merger or consolidation shall deliver to the Secretary of the
66 State for filing a certificate of merger or consolidation duly executed by
67 each constituent party to such merger or consolidation setting forth:

68 (1) The name and jurisdiction of formation or organization of each
69 statutory trust or other business entity which is to merge or
70 consolidate;

71 (2) That an agreement of merger or consolidation has been
72 approved and executed by each statutory trust and other business
73 entity which is to merge or consolidate;

74 (3) The name of the surviving or resulting statutory trust or other
75 business entity;

76 (4) The effective date of the merger or consolidation if later than the
77 date of filing of the certificate of merger or consolidation;

78 (5) That the executed agreement of merger or consolidation is on file
79 at a principal place of business of the surviving or resulting statutory

80 trust or other business entity and the address thereof;

81 (6) That a copy of the agreement of merger or consolidation will be
82 furnished by the surviving or resulting statutory trust or other
83 business entity, on request and without cost, to any beneficial owner of
84 any statutory trust or any person holding an interest in any other
85 business entity which is to merge or consolidate; and

86 (7) If the surviving or resulting entity is not a statutory trust or other
87 business entity formed or organized or existing under the laws of this
88 state, a statement that such surviving or resulting statutory trust or
89 other business entity agrees that it may be served with process in this
90 state in any action, suit or proceeding for the enforcement of any
91 obligation of any statutory trust which is to merge or consolidate,
92 irrevocably appointing the Secretary of the State as its agent to accept
93 service of process in any such action, suit or proceeding and specifying
94 the address to which a copy of such process shall be mailed to it by the
95 Secretary of the State. In the event of service under this subsection
96 upon the Secretary of the State, the plaintiff in any such action, suit or
97 proceeding shall furnish the Secretary of the State with the address
98 specified in the certificate of merger or consolidation provided for in
99 this section and any other address which the plaintiff may elect to
100 furnish, together with copies of such process as required by the
101 Secretary of the State, and the Secretary of the State shall notify such
102 surviving or resulting statutory trust or other business entity thereof at
103 all such addresses furnished by the plaintiff by letter, certified mail,
104 return receipt requested. Such letter shall enclose a copy of the process
105 and any other papers served upon the Secretary of the State. It shall be
106 the duty of the plaintiff in the event of such service to serve process
107 and any other papers in duplicate, to notify the Secretary of the State
108 that service is being made pursuant to this subsection, and to pay the
109 Secretary of the State the sum of [] twenty-five dollars for use of the
110 state, which sum shall be taxed as part of the costs in the proceeding, if
111 the plaintiff shall prevail therein. The Secretary of the State shall
112 maintain an alphabetical record of any such process setting forth the

113 name of the plaintiff and defendant, the title, docket number and
114 nature of the proceedings in which process has been served upon him,
115 the return date thereof and the day and hour when the service was
116 made. The Secretary of the State shall not be required to retain such
117 information for a period longer than five years from the date of receipt
118 of the service of process.

119 Sec. 3. Subsection (b) of section 46b-125 of the general statutes is
120 repealed and the following is substituted in lieu thereof:

121 (b) Probation officers shall make such investigations and reports as
122 the court directs or the law requires. They shall execute the orders of
123 the court; and, for that purpose, such probation officers, and any other
124 employees specifically designated by the court to assist the probation
125 officers in the enforcement of such orders, shall have the authority of a
126 state marshal. They shall preserve a record of all cases investigated or
127 coming under their care, and shall keep informed concerning the
128 conduct and condition of each person under supervision and report
129 thereon to the court as it may direct. Any juvenile probation officer [or
130 juvenile matters investigator,] authorized by the Office of the Chief
131 Court Administrator, and any juvenile matters investigator authorized
132 by the Office of the Chief State's Attorney, may arrest any juvenile on
133 probation without a warrant or may deputize any other officer with
134 power to arrest to do so by giving [him] such officer a written
135 statement setting forth that the juvenile has, in the judgment of the
136 juvenile probation officer or juvenile matters investigator, violated the
137 conditions of [his] the juvenile's probation. When executing such
138 orders of the court, except when using deadly physical force, juvenile
139 probation officers and juvenile matters investigators shall be deemed
140 to be acting in the capacity of a peace officer, as defined in subdivision
141 (9) of section 53a-3.

142 Sec. 4. Subsection (f) of section 52-260 of the general statutes is
143 repealed and the following is substituted in lieu thereof:

144 (f) When any practitioner of the healing arts, as defined in section

145 20-1, dentist, registered nurse or licensed practical nurse, as defined in
146 section 20-87a, or real estate appraiser is summoned to give expert
147 testimony in any action or proceeding, the court shall determine a
148 reasonable fee to be paid to [the] such practitioner of the healing arts,
149 dentist, registered nurse, [or] licensed practical nurse [, as defined in
150 section 20-87a,] or real estate appraiser and taxed as part of the costs in
151 lieu of all other witness fees payable to [the] such practitioner of the
152 healing arts, dentist, registered nurse, [or] licensed practical nurse, [as
153 defined in section 20-87a,] or real estate appraiser.

154 Sec. 5. Subsection (j) of section 52-434 of the general statutes is
155 repealed and the following is substituted in lieu thereof:

156 [(f)(1) On and after October 1, 1997, each judge trial referee shall
157 receive, for acting as a referee or as a single auditor or committee of
158 any court or for performing duties assigned by the Chief Court
159 Administrator with the approval of the Chief Justice, in addition to the
160 retirement salary, the sum of one hundred seventy dollars and
161 expenses, including mileage, for each day a state referee is so engaged,
162 said sums to be taxed by the court making the reference in the same
163 manner as other court expenses.

164 (2) On and after October 1, 1998, each judge trial referee shall
165 receive, for acting as a referee or as a single auditor or committee of
166 any court or for performing duties assigned by the Chief Court
167 Administrator with the approval of the Chief Justice, in addition to the
168 retirement salary, the sum of one hundred seventy-five dollars and
169 expenses, including mileage, for each day a state referee is so engaged,
170 said sums to be taxed by the court making the reference in the same
171 manner as other court expenses.]

172 [(3)] (f) On and after July 1, 1999, each judge trial referee shall
173 receive, for acting as a referee or as a single auditor or committee of
174 any court or for performing duties assigned by the Chief Court
175 Administrator with the approval of the Chief Justice, in addition to the
176 retirement salary, the sum of two hundred dollars and expenses,

177 including mileage, for each day a state referee is so engaged, said sums
178 to be taxed by the court making the reference in the same manner as
179 other court expenses.

180 Sec. 6. Subsection (a) of section 53a-60b of the general statutes is
181 repealed and the following is substituted in lieu thereof:

182 (a) A person is guilty of assault of an elderly, blind, disabled,
183 pregnant or mentally retarded person in the second degree when such
184 person commits assault in the second degree under section 53a-60 or
185 larceny in the second degree under section 53a-123(a)(3) and (1) the
186 victim of such assault or larceny has attained at least sixty years of age,
187 is blind or physically disabled, as defined in section 1-1f, or is
188 pregnant, or (2) the victim of such assault or larceny is a person with
189 mental retardation, as defined in section 1-1g, and the actor is not a
190 person with mental retardation.

191 Sec. 7. Section 53a-127e of the general statutes is repealed and the
192 following is substituted in lieu thereof:

193 (a) A person is guilty of possession of a cheating device when, while
194 on premises where lawful gambling is to be conducted, [he] such
195 person knowingly possesses or has under [his] such person's control:
196 (1) Any altered or counterfeit chip, token, tile, pull tab, wagering slip
197 or check or any cards or dice that have been marked, loaded or
198 tampered with; or (2) any device, instrument or other thing [adopted]
199 adapted, designed or commonly used to facilitate the alteration of the
200 normal play or operation of a piece of gaming equipment or to
201 facilitate the unauthorized removal of any money or other contents
202 from any gaming equipment; or (3) any other device, instrument or
203 thing which, under the circumstances in which it is used or possessed,
204 manifests an intent that it be used by the actor or another person to
205 alter the normal play or operation of a lawfully operated game of
206 chance or to commit cheating as provided in section 53a-127d or
207 larceny as provided in section 53a-119.

208 (b) Possession of a cheating device is a class D felony.

209 Sec. 8. Section 53a-217b of the general statutes is repealed and the
210 following is substituted in lieu thereof:

211 (a) A person is guilty of possession of a weapon on school grounds
212 when, knowing that [he] such person is not licensed or privileged to
213 do so, [he] such person possesses a firearm or deadly weapon, as
214 defined in section 53a-3, (1) in or on the real property comprising a
215 public or private elementary or secondary school or (2) at a school-
216 sponsored activity as defined in subsection (h) of section 10-233a.

217 (b) The provisions of subsection (a) of this section shall not apply to
218 the otherwise lawful possession of a firearm (1) by a person for use in a
219 program approved by school officials in or on such school property or
220 at such school-sponsored activity, (2) by a person in accordance with
221 an agreement entered into between school officials and such person or
222 such person's employer, (3) by a peace officer, as defined in
223 subdivision (9) of section 53a-3, while engaged in the performance of
224 [his] such peace officer's official duties, or (4) by a person while
225 traversing such school property for the purpose of gaining access to
226 public or private lands open to hunting or for other lawful purposes,
227 provided such firearm is not loaded and the entry on such school
228 property is permitted by the local or regional board of education.

229 (c) Possession of a weapon on school grounds is a class D felony.

230 Sec. 9. Subdivision (10) of section 53a-3 of the general statutes is
231 repealed and the following is substituted in lieu thereof:

232 (10) ["Fireman"] "Firefighter" means any agent of a municipality
233 whose duty it is to protect life and property therein as a member of a
234 duly constituted fire department whether professional or volunteer.

235 Sec. 10. Section 53a-54b of the general statutes is repealed and the
236 following is substituted in lieu thereof:

237 A person is guilty of a capital felony who is convicted of any of the
 238 following: (1) Murder of a member of the Division of State Police
 239 within the Department of Public Safety or of any local police
 240 department, a chief inspector or inspector in the Division of Criminal
 241 Justice, a state marshal who is exercising authority granted under any
 242 provision of the general statutes, a judicial marshal in performance of
 243 the duties of a judicial marshal, a constable who performs criminal law
 244 enforcement duties, a special policeman appointed under section 29-
 245 18, an employee of the Department of Correction or a person
 246 providing services on behalf of said department when such employee
 247 or person is acting within the scope of [his] such employee's or
 248 person's employment or duties in a correctional institution or facility
 249 and the actor is confined in such institution or facility, or any [fireman]
 250 firefighter, while such victim was acting within the scope of [his] such
 251 victim's duties; (2) murder committed by a defendant who is hired to
 252 commit the same for pecuniary gain or murder committed by one who
 253 is hired by the defendant to commit the same for pecuniary gain; (3)
 254 murder committed by one who has previously been convicted of
 255 intentional murder or of murder committed in the course of
 256 commission of a felony; (4) murder committed by one who was, at the
 257 time of commission of the murder, under sentence of life
 258 imprisonment; (5) murder by a kidnapper of a kidnapped person
 259 during the course of the kidnapping or before such person is able to
 260 return or be returned to safety; (6) the illegal sale, for economic gain, of
 261 cocaine, heroin or methadone to a person who dies as a direct result of
 262 the use by [him] such person of such cocaine, heroin or methadone; (7)
 263 murder committed in the course of the commission of sexual assault in
 264 the first degree; (8) murder of two or more persons at the same time or
 265 in the course of a single transaction; or (9) murder of a person under
 266 sixteen years of age.

267 Sec. 11. Section 53a-167a of the general statutes is repealed and the
 268 following is substituted in lieu thereof:

269 (a) A person is guilty of interfering with an officer when [he] such

270 person obstructs, resists, hinders or endangers any peace officer or
271 [fireman] firefighter in the performance of [his] such peace officer's or
272 firefighter's duties.

273 (b) Interfering with an officer is a class A misdemeanor.

274 Sec. 12. Section 53a-167b of the general statutes is repealed and the
275 following is substituted in lieu thereof:

276 (a) A person is guilty of failure to assist a peace officer or [fireman]
277 firefighter when, commanded by a peace officer or [fireman] firefighter
278 authorized to command assistance, [he] such person refuses to assist
279 such peace officer or [fireman] firefighter in the execution of [his] such
280 peace officer's or firefighter's duties.

281 (b) Failure to assist a peace officer or [fireman] firefighter is a class A
282 misdemeanor.

283 Sec. 13. Section 53a-167c of the general statutes is repealed and the
284 following is substituted in lieu thereof:

285 (a) A person is guilty of assault of public safety or emergency
286 medical personnel when, with intent to prevent a reasonably
287 identifiable peace officer, [fireman] firefighter or employee of an
288 emergency medical service organization, as defined in section 53a-3,
289 emergency room physician or nurse, employee of the Department of
290 Correction, employee or member of the Board of Parole, probation
291 officer, employee of the judicial branch assigned to provide pretrial
292 secure detention and programming services to juveniles accused of the
293 commission of a delinquent act or employee of the Department of
294 Children and Families assigned to provide direct services to children
295 and youth in the care or custody of the department from performing
296 his or her duties, and while such peace officer, fireman, employee,
297 physician, nurse, member or probation officer is acting in the
298 performance of his or her duties, (1) such person causes physical injury
299 to such peace officer, [fireman] firefighter, employee, physician, nurse,

300 member or probation officer, or (2) such person throws or hurls, or
301 causes to be thrown or hurled, any rock, bottle, can or other article,
302 object or missile of any kind capable of causing physical harm, damage
303 or injury, at such peace officer, [fireman] firefighter, employee,
304 physician, nurse, member or probation officer, or (3) such person uses
305 or causes to be used any mace, tear gas or any like or similar
306 deleterious agent against such peace officer, [fireman] firefighter,
307 employee, physician, nurse, member or probation officer, or (4) such
308 person throws or hurls, or causes to be thrown or hurled, any paint,
309 dye or other like or similar staining, discoloring or coloring agent or
310 any type of offensive or noxious liquid, agent or substance at such
311 peace officer, [fireman] firefighter, employee, physician, nurse,
312 member or probation officer, or (5) such person throws or hurls, or
313 causes to be thrown or hurled, any bodily fluid including, but not
314 limited to, urine, feces, blood or saliva at such peace officer, [fireman]
315 firefighter, employee, physician, nurse, member or probation officer.

316 (b) Assault of public safety or emergency medical personnel is a
317 class C felony. If any person who is confined in an institution or facility
318 of the Department of Correction is sentenced to a term of
319 imprisonment for assault of an employee of the Department of
320 Correction under this section, such term shall run consecutively to the
321 term for which the person was serving at the time of the assault.

322 Sec. 14. Subsection (e) of section 53a-29 of the general statutes is
323 repealed and the following is substituted in lieu thereof:

324 (e) The period of probation, unless terminated sooner as provided in
325 section 53a-32, shall be not less than ten years nor more than thirty-five
326 years for conviction of a violation of subdivision (2) of subsection (a) of
327 section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-
328 72b.

329 Sec. 15. Subsection (a) of section 53a-30 of the general statutes, as
330 amended by section 5 of public act 00-72, is repealed and the following
331 is substituted in lieu thereof:

332 (a) When imposing sentence of probation or conditional discharge,
333 the court may, as a condition of the sentence, order that the defendant:
334 (1) Work faithfully at a suitable employment or faithfully pursue a
335 course of study or of vocational training that will equip the defendant
336 for suitable employment; (2) undergo medical or psychiatric treatment
337 and remain in a specified institution, when required for that purpose;
338 (3) support the defendant's dependents and meet other family
339 obligations; (4) make restitution of the fruits of the defendant's offense
340 or make restitution, in an amount the defendant can afford to pay or
341 provide in a suitable manner, for the loss or damage caused thereby
342 and the court may fix the amount thereof and the manner of
343 performance; (5) if a minor, (A) reside with the minor's parents or in a
344 suitable foster home, (B) attend school, and (C) contribute to the
345 minor's own support in any home or foster home; (6) post a bond or
346 other security for the performance of any or all conditions imposed; (7)
347 refrain from violating any criminal law of the United States, this state
348 or any other state; (8) if convicted of a misdemeanor or a felony, other
349 than a capital felony, a class A felony or a violation of section 21a-278,
350 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any
351 offense for which there is a mandatory minimum sentence which may
352 not be suspended or reduced by the court, and any sentence of
353 imprisonment is suspended, participate in an alternate incarceration
354 program; (9) reside in a residential community center or halfway
355 house approved by the Commissioner of Correction, and contribute to
356 the cost incident to such residence; (10) participate in a program of
357 community service labor in accordance with section 53a-39c; (11)
358 participate in a program of community service in accordance with
359 section 51-181c; (12) if convicted of a violation of subdivision (2) of
360 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
361 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)
362 if convicted of a criminal offense against a victim who is a minor, a
363 nonviolent sexual offense or a sexually violent offense, as defined in
364 section 54-250, or of a felony that the court finds was committed for a
365 sexual purpose, as provided in section 54-254, register such person's

366 identifying factors, as defined in section 54-250, with the
367 Commissioner of Public Safety when required pursuant to section 54-
368 251, 54-252 or 54-253, as the case may be; (14) be subject to electronic
369 monitoring; (15) if convicted of a violation of section 46a-58, 53-37a,
370 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias crime
371 education program; (16) satisfy any other conditions reasonably
372 related to the defendant's rehabilitation. The court shall cause a copy of
373 any such order to be delivered to the defendant and to the probation
374 officer, if any.

375 Sec. 16. Section 53a-32a of the general statutes is repealed and the
376 following is substituted in lieu thereof:

377 If a defendant who entered a plea of nolo contendere or a guilty
378 plea under the Alford doctrine to a violation of subdivision (2) of
379 section 53-21 of the general statutes in effect prior to October 1, 2000,
380 subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-
381 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, and was ordered to undergo
382 sexual offender treatment as a condition of probation, becomes
383 ineligible for such treatment because of [his] such defendant's refusal
384 to acknowledge that [he] such defendant committed the act or acts
385 charged, such defendant shall be deemed to be in violation of the
386 conditions of [his] such defendant's probation and be returned to court
387 for proceedings in accordance with section 53a-32.

388 Sec. 17. Section 53a-33 of the general statutes is repealed and the
389 following is substituted in lieu thereof:

390 The court or sentencing judge may at any time during the period of
391 probation or conditional discharge, after hearing and for good cause
392 shown, terminate a sentence of probation or conditional discharge
393 before the completion thereof, except a sentence of probation imposed
394 for conviction of a violation of subdivision (2) of section 53-21[, of the
395 general statutes in effect prior to October 1, 2000, subdivision (2) of
396 subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-
397 71, 53a-72a or 53a-72b.

398 Sec. 18. Subsection (d) of section 53a-40 of the general statutes is
399 repealed and the following is substituted in lieu thereof:

400 (d) A persistent serious sexual offender is a person, other than a
401 person who qualifies as a persistent dangerous sexual offender under
402 subsection (b) of this section, who qualifies as a persistent serious
403 felony offender under subsection (c) of this section and the felony of
404 which such person presently stands convicted is a violation of
405 subdivision (2) of subsection (a) of section 53-21, or section 53a-70, 53a-
406 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b and the prior conviction is for
407 a violation of section 53-21 of the general statutes, revised to January 1,
408 1995, involving sexual contact, committed prior to October 1, 1995, a
409 violation of subdivision (2) of section 53-21 of the general statutes,
410 committed on or after October 1, 1995, and prior to October 1, 2000, a
411 violation of subdivision (2) of subsection (a) of section 53-21 or a
412 violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b.

413 Sec. 19. Subsection (c) of section 54-56e of the general statutes is
414 repealed and the following is substituted in lieu thereof:

415 (c) This section shall not be applicable: (1) To any person charged
416 with a class A or class B felony or a violation of section 14-227a,
417 subdivision (2) of subsection (a) of section 53-21, section 53a-56b,
418 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, (2) to any
419 person charged with a crime or motor vehicle violation who, as a result
420 of the commission of such crime or motor vehicle violation, causes the
421 death of another person, (3) to any person accused of a family violence
422 crime as defined in section 46b-38a who (A) is eligible for the pretrial
423 family violence education program established under section 46b-38c,
424 or (B) has previously had the pretrial family violence education
425 program invoked in such person's behalf, (4) to any person charged
426 with a violation of section 21a-267 or 21a-279 who (A) is eligible for the
427 pretrial drug education program established under section 54-56i, or
428 (B) has previously had the pretrial drug education program invoked in
429 such person's behalf, or (5) unless good cause is shown, to any person

430 charged with a class C felony.

431 Sec. 20. Section 54-76b of the general statutes is repealed and the
432 following is substituted in lieu thereof:

433 For the purpose of sections 54-76b to 54-76n, inclusive, "youth"
434 means a minor who has reached the age of sixteen years but has not
435 reached the age of eighteen years or a child who has been transferred
436 to the regular criminal docket pursuant to section 46b-127; and
437 "youthful offender" means a youth who is charged with the
438 commission of a crime which is not a class A felony or a violation of
439 subdivision (2) of subsection (a) of section 53-21, section 53a-70, 53a-
440 70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, who has not previously been
441 convicted of a felony or been previously adjudged a serious juvenile
442 offender or serious juvenile repeat offender, as defined in section 46b-
443 120, or a youthful offender, or been afforded a pretrial program for
444 accelerated rehabilitation under section 54-56e, and who is adjudged a
445 youthful offender pursuant to the provisions of said sections. The
446 Interstate Compact on Juveniles, except the provisions of article four
447 thereof, shall apply to youthful offenders to the same extent as to
448 minors below sixteen years of age.

449 Sec. 21. Subsection (c) of section 54-125e of the general statutes is
450 repealed and the following is substituted in lieu thereof:

451 (c) The period of special parole shall be not less than one year nor
452 more than ten years except that such period may be for more than ten
453 years for a person convicted of a violation of subdivision (2) of section
454 53-21 of the general statutes in effect prior to October 1, 2000,
455 subdivision (2) of subsection (a) of section 53-21, section 53a-70,
456 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a
457 persistent dangerous felony offender pursuant to subsection (h) of
458 section 53a-40 or as a persistent serious felony offender pursuant to
459 subsection (j) of section 53a-40.

460 Sec. 22. Subdivision (2) of section 54-250 of the general statutes is

461 repealed and the following is substituted in lieu thereof:

462 (2) "Criminal offense against a victim who is a minor" means (A) a
463 violation of subdivision (2) of section 53-21 of the general statutes in
464 effect prior to October 1, 2000, subdivision (2) of subsection (a) of
465 section 53-21, subdivision (2) of subsection (a) of section 53a-70,
466 subdivision (1), (4) or (8) of subsection (a) of section 53a-71,
467 subdivision (2) of subsection (a) of section 53a-72a, subdivision (2) of
468 subsection (a) of section 53a-86, subdivision (2) of subsection (a) of
469 section 53a-87, section 53a-196a, 53a-196b, 53a-196c or 53a-196d, (B) a
470 violation of section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or
471 53a-186, provided the court makes a finding that, at the time of the
472 offense, the victim was under eighteen years of age, (C) a violation of
473 any of the offenses specified in subparagraph (A) or (B) of this
474 subdivision for which a person is criminally liable under section 53a-8,
475 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any
476 offense specified in subparagraph (A), (B) or (C) of this subdivision the
477 essential elements of which are substantially the same as said offense.

478 Sec. 23. Subsection (a) of section 54-260 of the general statutes is
479 repealed and the following is substituted in lieu thereof:

480 (a) For the purposes of this section, "sexual offender" means any
481 person convicted of a violation of subdivision (2) of section 53-21 of the
482 general statutes in effect prior to October 1, 2000, subdivision (2) of
483 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
484 53a-72a or 53a-72b committed on or after October 1, 1995.

485 Sec. 24. Subsection (b) of section 54-47f of the general statutes is
486 repealed and the following is substituted in lieu thereof:

487 (b) The attendance of witnesses and the production of documents at
488 such [investigations] investigation may be compelled by subpoena,
489 signed by any official authorized to issue such process.

490 Sec. 25. Subsection (b) of section 54-64a of the general statutes is

491 repealed and the following is substituted in lieu thereof:

492 (b) (1) When any arrested person charged with the commission of a
 493 class A felony, a class B felony, except a violation of section 53a-86 or
 494 53a-122, a class C felony, except a violation of section 53a-87, 53a-152
 495 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c,
 496 inclusive, section 53a-72a, [53a-72b,] 53a-95, 53a-103, 53a-103a, 53a-114,
 497 53a-136 or 53a-216, or a family violence crime, as defined in section
 498 46b-38a, is presented before the Superior Court, said court shall, in
 499 bailable offenses, promptly order the release of such person upon the
 500 first of the following conditions of release found sufficient to
 501 reasonably assure the appearance of the arrested person in court and
 502 that the safety of any other person will not be endangered: (A) Upon
 503 [his] such person's execution of a written promise to appear without
 504 special conditions, (B) upon [his] such person's execution of a written
 505 promise to appear with nonfinancial conditions, (C) upon [his] such
 506 person's execution of a bond without surety in no greater amount than
 507 necessary, (D) upon [his] such person's execution of a bond with surety
 508 in no greater amount than necessary. In addition to or in conjunction
 509 with any of the conditions enumerated in subparagraphs (A) to (D),
 510 inclusive, of this subdivision, the court may, when it has reason to
 511 believe that the person is drug-dependent and where necessary,
 512 reasonable and appropriate, order the person to submit to a urinalysis
 513 drug test and to participate in a program of periodic drug testing and
 514 treatment. The results of any such drug test shall not be admissible in
 515 any criminal proceeding concerning such person.

516 (2) The court may, in determining what conditions of release will
 517 reasonably assure the appearance of the arrested person in court and
 518 that the safety of any other person will not be endangered, consider the
 519 following factors: (A) The nature and circumstances of the offense, (B)
 520 such person's record of previous convictions, (C) such person's past
 521 record of appearance in court after being admitted to bail, (D) such
 522 person's family ties, (E) such person's employment record, (F) such
 523 person's financial resources, character and mental condition, (G) such

524 person's community ties, (H) the number and seriousness of charges
525 pending against the arrested person, (I) the weight of the evidence
526 against the arrested person, (J) the arrested person's history of
527 violence, (K) whether the arrested person has previously been
528 convicted of similar offenses while released on bond, and (L) the
529 likelihood based upon the expressed intention of the arrested person
530 that such person will commit another crime while released.

531 Sec. 26. This act shall take effect July 1, 2001.

Statement of Purpose:

To make certain technical and minor conforming changes to various statutes relating to criminal law, criminal procedure and civil procedure.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]